IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11919 of 2004
And
W.P.M.P. NO. 4194 OF 2005 IN W.P.NO. 11919 OF 2004

Between:
1 M/s Satya Deepa Industries, Village & Mandal Kamanpur, Karimnagar District rep.by its Partners:
Ellendula Shankarlingam, S/o Rajalingam, R/o Jullapalli Village
&
Kamanpur Mandal, Karimnagar District
2 Syed Sayeed Anwar, S/o Syed Mujafar Mahamood, R/o Kamanpur (Village & Mandal), Karimnagar District

..... PETITIONERS

AND
1 A.P.State Finance Corporation, rep.by Chairman & Managing Director,
Head Office: 5-9-194, Chirag Ali Lane, Hyderabad
2 A.P.State Finance Corporation, Karimnagar Branch, rep.by its Manager, Having the office at Opp: District Collector's Complex, Karimnagar

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or direction directing the respondents No.1 & 2 to reschedule the installments due by giving an opportunity to the Petitioner industrial unit to avail milling seasons which shall start by the end of November, 2004 by declaring that the drastic action of putting the Unit for sale without giving an opportunity to the industry to repay the loan amount due by availing the coming season of the agriculture year 2004-2005 is an improper exercise of the jurisdiction and denial of natural justice and fair play.

W.P.M.P NO : 4194 of 2005

Between:

1 M/s Satya Deepa Industries, Village & Mandal Kamanpur, Karimnagar District rep.by its Partners: Ellendula Shankarlingam, S/o Rajalingam, R/o Jullapalli Village & Kamanpur Mandal, Karimnagar District

2 Syed Sayeed Anwar, S/o Syed Mujafar Mahamood, R/o Kamanpur (Village & Mandal), Karimnagar District

..... PETITIONER

(Petitioners inW.P.M.PNO : 11919 of2004 on the file of High Court)

AND

1 A.P.State Finance Corporation, rep.by Chairman&Managing Director, Head Office: 5-9-194, Chirag Ali Lane, Hyderabad

2 A.P.State Finance Corporation, Karimnagar Branch, rep.by its Manager, Having the office at Opp: District Collector's Complex, Karimnagar

.....RESPONDENTS

(Respondents in -do-)

Petition under Section 151 of CPC praying the High Court to post the W.P.No.11919/2004 of 2004 in the cause list, in the caption of

' for being mentioned'.

Counsel for the Petitioner:MR.M.A.BARI

Counsel for the Respondents: MR.Y.N.LOHITA

The Court made the following :

ON BEING MENTIONED

ORDER:

Heard learned counsel for the petitioners and the learned standing counsel for the respondents.

The relief sought for in this writ petition is for a direction to respondents 1 and 2 to reschedule the instalments due, by giving an opportunity to the petitioner-Industrial Unit to avail milling seasons which shall start at the end of November, 2004, by declaring that the drastic action of putting the unit for sale without giving an opportunity to the

industry to repay the loan amount is arbitrary and illegal.

It is brought to the notice of this Court by the learned counsel for the petitioners that the petitioners made a representation on 21.12.2004 to the respondents, but due to inadvertence, the said fact could not be brought to the notice of this Court at the time of disposing the present writ petition. Therefore, it is submitted that the respondents may be directed to consider the said representation. I am of the view that the mistake shown by the petitioner, is a bonafide one and no prejudice would be caused to the other side in case of a direction to consider the said representation as it is for the authorities to decide as to Whether the petitioners are entitled to pay the amount due to the respondent-corporation by way of instaments or not.

Therefore, the above W.P.M.P. is ordered and consequently, the writ petition is disposed of with a direction to the respondents to pass appropriate orders and take appropriate decision on the representation of the petitioner dated 21.12.2004 within a period of four weeks from the date of receipt of a copy of this order. No costs.

The Registry is directed to issue the revised order forthwith.

SD/- L. SUBBALAKSHMI
ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman & Managing Director,
A.P.State Finance Corporation, Head Office: 5-9-194,
Chirag Ali Lane, Hyderabad.
2 The Manager, A.P.State Finance Corporation, Karimnagar Branch,
Having the office at Opp: District Collector's Complex,
Karimnagar.
3 2 CD copies.

TJMR

HIGH COURT

DATED: 08-06-2005

ORDER

WP.NO. 11919 OF 2004
AND
WPMP.NO.4191 OF 2005
IN
WP.NO.11919 OF 2004

DISPOSING OF THE WP
NO COSTS